

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
v.)
JASON MCWILLIAMS)) CASE NO. 2:23-cr-117-RAH

ORDER

The trial of Defendant Jason McWilliams is set to begin on January 8, 2024. On December 13, 2024, Defendant McWilliams filed an Unopposed Motion to Continue Trial. (Doc. 118.) For the reasons set forth below, the Court finds that the trial should be continued pursuant to 18 U.S.C. § 3161(h).

While the grant of a continuance is left to the sound discretion of the trial judge, *United States v. Stitzer*, 785 F.2d 1506, 1516 (11th Cir. 1986), the Court is limited by the requirements of the Speedy Trial Act, 18 U.S.C. § 3161. The Act provides in part:

In any case in which a plea of not guilty is entered, the trial of a defendant charged in an information or indictment with the commission of an offense shall commence within seventy days from the filing date (and making public) of the information or indictment, or from the date the defendant has appeared before a judicial officer of the court in which such charge is pending, whichever date last occurs.

18 U.S.C. § 3161(c)(1). However, the Act excludes from the seventy-day period any continuance based on “findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” §3161(h)(7)(A). In granting such a continuance, the Court may consider, among other

factors, whether the failure to grant the continuance “would unreasonably deny the defendant or the Government continuity of counsel, or would deny counsel for the defendant or the attorney for the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” § 3161(h)(7)(B)(iv).

Counsel for Defendant McWilliams requests additional time due to a scheduling conflict. A continuance is warranted to allow the continuity of counsel. Furthermore, neither the Defendant nor Government opposes a continuance. For these reasons, the ends of justice served by continuing the trial outweigh the best interest of the public and Defendant McWilliams in a speedy trial.

Accordingly, it is ORDERED that the Unopposed Motion to Continue Trial (Doc. 118) is GRANTED, and that pursuant to § 3161(h)(7), the trial of this case is CONTINUED to the undersigned’s next criminal term of court beginning **February 5, 2024**, in Montgomery, Alabama. All deadlines shall be adjusted accordingly.

DONE, on this the 20th day of December 2023.



R. AUSTIN HUFFAKER, JR.
UNITED STATES DISTRICT JUDGE